

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

IRMA MENDEZ, ) Case No. 2:15-cv-00314-RCJ-NJK  
vs. Plaintiff(s), )  
FIESTA DEL NORTE HOME OWNERS ) ORDER  
ASSOCIATION, et al., )  
Defendant(s). )

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Pending before the Court is Plaintiff's motion for the issuance of subpoenas. Docket No. 65. For the reasons discussed below, Plaintiff's motion (Docket No. 65) is hereby **GRANTED** in part, and **DENIED** in part.

Rule 45 of the Federal Rules of Civil Procedure governs the issuance of subpoenas to non-parties. Such subpoenas may issue from the Court, signed by the Court Clerk or an attorney authorized to practice before the Court. Fed. R. Civ. P. 45(a)(3). *Pro se* litigants need the Court Clerk to issue a subpoena. *Alcon v. Bright*, 2015 WL 5559896, at \*2 (N.D. Cal. Sept. 18, 2015). In accordance with Rule 45(a)(3), “[t]he clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it[, and ] that party must complete it before service.” Fed. R. Civ. P. 45(a)(3).

Here, Plaintiff purportedly seeks to subpoena two non-parties: Michele Naomi, a former employee of Defendants Fiesta Del Norte Home Owners Association (“Fiesta”) and Complete Management Company, LLC; and Edward Song, an attorney for Defendant Fiesta. Accordingly, the Court will liberally construe Plaintiff's motion as a request for subpoenas pursuant to Rule 45 of the

1 Federal Rules of Civil Procedure, and “will grant that request and direct the Clerk of Court to issue the  
2 subpoena in blank and [send] it to Plaintiff to fill out.” *Banks v. Joyce*, 2014 WL 7330938, at \*1 (D.  
3 Nev. Dec. 19, 2014) (Leen, M.J.). “This practice is not uncommon in this district.” *Antonetti v. Neven*,  
4 2014 WL 1089661, at \*2 (D. Nev. Mar. 18, 2014) (citing *McCurdy v. N. Las Vegas Officer Johnson*,  
5 No. 08-cv-1767-JAD-PAL (Docket No. 84 at 5-6) (D. Nev. Aug. 23, 2013) (Leen, M.J.) (ordering the  
6 Clerk of Court to “issue a subpoena duces tecum and send it to the Plaintiff who shall describe the  
7 documents he is requesting and serve it on [opposing] counsel”). Plaintiff is advised that she must  
8 comply with Rule 45. *Banks*, 2014 WL 7330938, at \*1 (D. Nev. Dec. 19, 2014) (telling *pro se* Plaintiff  
9 to carefully read the same).<sup>1</sup>

10 IT IS SO ORDERED:

- 11 1. The Motion is GRANTED to the extent that the Clerk of Court shall issue a subpoena  
12 in blank on form AO 88A, and send it to Plaintiff.
- 13 2. Further, the Motion is GRANTED to the extent that the Clerk of Court shall issue a  
14 subpoena in blank on form AO 88B, and send it to Plaintiff.
- 15 3. The Motion is DENIED in all other respects.

17 DATED: November 6, 2015

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19 NANCY J. KOPPE  
United States Magistrate Judge

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27 <sup>1</sup>The Court expresses no opinion as to whether the subpoenas requested are appropriate and/or  
28 timely. Nothing in this shall order be construed as preventing any of the subpoena recipients from filing  
any motions they deem appropriate.